



HARASSMENT POLICY

OFFICE OF THE BOARD OF SELECTMEN

One Main Street, Box 1 Upton, MA 01568

The Town of Upton does not condone any behavior that promotes an intimidating or hostile working atmosphere for any of its employees. The inappropriate conduct of one employee should never have the purpose or effect of interfering with another employee's work performance or of creating an intimidating, hostile, or offensive work environment. The employees of the Town of Upton should accept individuals and promote teamwork and cooperation rather than polarization and exclusion. Consequently, the Town of Upton upholds a strict code of conduct regarding harassment and will take appropriate action against offenders.

Sexual harassment is unlawful, violating Title VII of the Civil Rights Act of 1964, as amended, and Massachusetts General Law (M.G.L. c. 151B).

Harassment includes: (1) conditioning or threatening to condition concrete employment benefits on sexual favors; and (2) creating a hostile or offensive working environment. A hostile work environment occurs when employees are subjected to unwelcome sexual advances, requests for sexual favors, intimidation, ridicule, and insults and other verbal or physical conduct of a racial, sexual or other nature that has the purpose or effect of unreasonably interfering with an individual's work performance.

Harassment may result from conduct by the employee or the employer's agents, vendors, supervisory employees, co-workers or non-employees. Harassment may also result from conduct occurring either on or off the worksite.

Harassment refers to behavior, which is unwelcome. Examples of conduct that a reasonable person might find hostile or abusive include: unsolicited remarks, gestures, physical contact, display or circulation of sexually suggestive or insulting written materials or pictures that debilitate morale, and that therefore, interfere with work effectiveness.

RESOLUTION BY INFORMAL DISCUSSION

An employee who believes he or she has been the subject of any harassment may first attempt to resolve the problem through discussion with the harasser. In cases in which discussion of the problem with that person presents particular stress or difficulties, the complainant may consult on an informal and confidential basis with their supervisor, the Personnel Coordinator, or any member of the Board of Selectmen.

FORMAL PROCEDURE FOR REPORTING HARASSMENT

All reports of harassment will be taken seriously and responded to immediately.

A. EMPLOYEE

Any employee who in good faith believes he or she has been subject to or has witnessed harassment is encouraged and requested to report the offensive conduct to the employee's supervisor, the Personnel Coordinator, and the Board of Selectmen in writing providing details such as the name of the alleged harasser, the date, location, and nature of the alleged harassment. If the employee's immediate supervisor is the source of the alleged harassment, the employee should report the problem to the supervisor's superior, the Personnel Coordinator and the Board of Selectmen. Complaints should be filed as soon as practical after the occurrence of the incidents giving rise to the complaint. Notices can be sent to: Board of Selectmen, Town of Upton, 1 Main Street, Box 1, Upton, MA 01568.

B. THE TOWN OF UPTON

The Board of Selectmen or an independent third party will investigate the complaint as confidentially as possible to determine whether the Town of Upton's policy has been violated and, if so, the appropriate corrective action will be taken. The right to confidentiality of both complainant and respondent will be respected. Any employee found to have engaged in harassment will be subject to appropriate discipline. Courses of action may include verbal warning, written warning, counseling, probation, suspension or discharge of the employee who has engaged in the offensive action. The terms of disciplinary action will be appropriate to the circumstances of the infraction.

C. NON-RETALIATION

Any retaliation in any manner against any employee who, in good faith, brings harassment charges or cooperates in investigating charges is unlawful. Any employee bringing a harassment complaint or assisting in the investigation of such a complaint, in good faith, will not be adversely affected in terms and conditions of employment, nor discriminated against or discharged because of the complaint. Conversely, any employee who uses or participates in the procedures described in this Policy for malicious purposes will be subject to appropriate discipline. Courses of action may include verbal warning, written warning, counseling, probation, suspension or discharge of the employee who has engaged in the offensive action. The terms of disciplinary action will be appropriate to the circumstances of the infraction.

STATE AND FEDERAL AGENCIES

Agencies responsible for enforcing employment discrimination laws are the Massachusetts Commission Against Discrimination (MCAD) and the Equal Employment Opportunity Commission (EEOC).

EEOC
One Congress Street, Room 1001
Boston, MA 02114
(617) 565-3200

MCAD
One Ashburton Place
Boston, MA 02108
(617) 727-3990



ACKNOWLEDGEMENT

I acknowledge receipt of the Town of Upton's Harassment Policy that has been provided to me and I have had the opportunity to review it.

Applicant's Signature

Date

Printed Name